

February 13, 1978

Mr. Edward W. Wallace  
Chief, Division of Apprenticeship  
Standards  
Department of Industrial  
Relations - Room 3230  
455 Golden Gate Avenue  
San Francisco, California 94102

Dear Ed:

By authorization of the Secretary of Labor and in accordance with the provisions of Title 29 CFR Part 29.12, I am pleased to grant recognition, effective this date, to the State of California Apprenticeship Council as the appropriate body for State registration and/or approval of local apprenticeship programs and agreements for Federal purposes.

The amendment to the Administrative Code and other documents submitted correct the deficiencies as recorded in my letter of October 6, 1977. I am particularly pleased that we can and will work together in partnership, under the conditions of Title 29 CFR Part 29, to formulate and promote labor standards that will protect the apprentice and for the skilled work force necessary for the welfare of the State of California and the Nation.

Sincerely,

HUGH C. MURPHY  
Administrator  
Bureau of Apprenticeship  
and Training

cc; Murphy  
Mitchell  
McTague  
Skinner  
Denny  
Pittman  
Shuck  
File

TTS:CELDRIAGE:dsg  
rm. 5430 PHB;ext. 66106  
2/13/78

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# CALIFORNIA APPRENTICESHIP COUNCIL

## PART I Apprenticeship

Also See:

PART II Other On-the-Job Training

PART III Journeyman On-the-Job Training

*California Administrative Code, Title 8, Chapter 2. Standards, Rules and Regulations of the California Apprenticeship Council:—implementing the Shelley-Maloney Apprentice Labor Standards Act of 1939.*

STATE OF CALIFORNIA

Agriculture and Services Agency

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF APPRENTICESHIP STANDARDS

455 Golden Gate Ave., Room 3230  
SAN FRANCISCO, CA 94102

May 1977



**CHAPTER 2. CALIFORNIA APPRENTICESHIP COUNCIL**  
(Revised 9-25-69)

**PART I. APPRENTICESHIP**  
**PART II. OTHER ON-THE-JOB TRAINING**  
**PART III. JOURNEYMAN ON-THE-JOB TRAINING**

**PART I. APPRENTICESHIP**

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**Article A-1. General Provisions**

**200. Authority.** Pursuant to the authority of Section 3071 of the Labor Code, which provides that the California Apprenticeship Council "... shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter . . . .," the following rules and regulations shall govern matters concerning apprenticeship programs.

NOTE: Authority cited for Chapter 2: Section 3071, California Labor Code.

*History:* 1. Revision of Chapter 2 filed 9-25-69; effective thirtieth day thereafter (Register 69, No. 39). For former sections and history, see Registers 67, Nos. 24 and 32, and 69, No. 19.

2. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).

**Article 1. Procedures for Investigating, Holding Hearings and Determining Disputes**

**201. Filing of Complaints.** (a) Complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of such person shall be filed with the State Fair Employment Practice Commission in accordance with the requirements of Section 3096 of the Labor Code.

(b) All complaints not covered by paragraph (a) above may be filed by any interested person with the Administrator of Apprenticeship or the Administrator of Apprenticeship upon his own initiative may issue a complaint, when there is cause to believe that a decision, order or action of an apprenticeship program sponsor (as defined in Section 205 (c)) has been unfair or unreasonable; or that there has been a violation of:

- (1) Chapter 4, Division 3 of the Labor Code;
- (2) That portion of Chapter 1, Division 2, Section 1777.5 of the Labor Code delegated to the California Apprenticeship Council for interpretation and enforcement;
- (3) California Administrative Code Title 8, Chapter 2, Part 1;
- (4) Apprenticeship Standards;
- (5) Apprenticeship Agreements;
- (6) Selection Procedures;
- (7) Rules, Regulations or Policies established by an apprenticeship program sponsor.

(c) Complaints filed with, or by, the Administrator of Apprenticeship shall be filed in writing within ninety (90) days of the date of the alleged violation or within thirty (30) days of a decision by, an order by, or an action of an apprenticeship program sponsor to adjust the matter locally, whichever is latest, and shall contain the following:

- (1) The full name and address of the party (person, organization or other party) filing the complaint (hereinafter referred to as the "charging party").

(2) The full name and address of the party (person, organization, or other party) against whom the complaint is made (hereinafter referred to as the "respondent").

(3) A clear and concise statement of the facts constituting the alleged complaint.

(4) The signature of the person filing the complaint or an authorized officer or agent in the case of an organization, employer, labor union, apprenticeship program sponsor, or other interested party.

(5) A declaration by the person signing the complaint, under penalties of law, that its contents are true and correct to the best of his knowledge and belief.

(d) Upon receipt or issuance of a complaint the Administrator of Apprenticeship shall cause a copy of such complaint to be served upon the respondent(s).

(e) Complaints may be withdrawn only with the consent of the Administrator of Apprenticeship.

(f) Nothing in this rule shall conflict with the provisions of Section 3078 (h), Section 3086 and Section 3096 of the Labor Code.

(g) Except as otherwise specifically provided for herein, whenever the Administrator of Apprenticeship is referred to it shall also mean his duly authorized representative as provided for in Section 3073 of the Labor Code.

*History:* 1. Amendment of subsection (c) filed 5-18-73; effective thirtieth day thereafter (Register 73, No. 20).

## 202. Investigations, Holding of Hearings and Determinations.

(a) The Administrator of Apprenticeship, upon the timely receipt or issuance of a complaint under Section 201, shall investigate the matter to determine whether the complaint has merit, and in the course of such investigations, the Administrator of Apprenticeship may take such steps as he deems necessary under the circumstances to bring about an amicable adjustment of the controversy. The Administrator of Apprenticeship shall dismiss any complaint that is not timely filed and may, following an investigation, dismiss any complaint that is found to be without merit. In such cases the Administrator of Apprenticeship shall prepare a statement of his findings and determinations and file it with the California Apprenticeship Council, and notify all parties in writing by registered mail (return receipt requested) of his determination to dismiss the complaint.

(b) If the matter is not dismissed, withdrawn or settled satisfactorily, the Administrator of Apprenticeship shall hold a hearing in accordance with the following procedure:

(1) He shall fix the time and place of the hearing and notify all interested parties not less than two weeks in advance by registered letter (return receipt requested) specifying the time and place of the hearing.

(2) The interested parties shall be given an opportunity to present evidence and oral or written arguments in support of their positions.

(3) The hearing need not be conducted according to technical rules relating to evidence and witnesses.

(4) All witnesses testifying before the Administrator of Apprenticeship shall testify under oath.

(5) A full transcript of the hearing shall be taken by a qualified person.

(c) The Administrator of Apprenticeship or his duly authorized representative may conduct the investigation, hold the hearing and decide on the complaint. The Administrator of Apprenticeship may however, if he so elects, delegate to his duly authorized representative authority only to hold a hearing and to report, reserving to himself the authority to decide on the complaint. In that case, the duly authorized representative shall hold a hearing and submit to the Administrator of Apprenticeship the entire record of the hearing together with his written recommendations, and the Administrator of Apprenticeship shall read the record and the written recommendations before deciding on the complaint.

(d) In deciding on the complaint, the Administrator of Apprenticeship or his duly authorized representative shall prepare a statement of findings of fact, make a decision, file it with the California Apprenticeship Council and notify all parties in writing by registered mail (return receipt requested) of the decision and of any action taken.

(e) The determination of the Administrator of Apprenticeship or his duly authorized representative shall be filed with the California Apprenticeship Council. If no appeal therefrom is filed with the California Apprenticeship Council within 10 days after date thereof, as herein provided, such determination shall become the order of the California Apprenticeship Council. Any person aggrieved by any determination or action of the Administrator of Apprenticeship or his duly authorized representative may appeal therefrom to the California Apprenticeship Council, who shall hold a hearing thereon after due notice to the interested parties.

203. Appeals to the California Apprenticeship Council. (a) When an appeal is taken to the California Apprenticeship Council pursuant to the Labor Code, within 10 days of a decision of the Administrator of Apprenticeship or his duly authorized representative, the following procedure shall be followed:

(1) The Chairman of the California Apprenticeship Council shall appoint three (3) members of the California Apprenticeship Council to act as an appeal board to hear and decide the appeal. This appeal board shall consist of one member of the California Apprenticeship Council representing employee organization and one member representing employer organization; the third member will be a member who does not represent either of the aforementioned groups and shall act as chairman of the appeal board.

(2) The designated chairman of the appeal board shall fix the time and place of the hearing on the appeal and notify all interested parties not less than two weeks in advance by registered letter (return receipt requested) specifying the time and place of the hearing.

(3) The hearing on the appeal shall be limited to a review of the record before the Administrator of Apprenticeship or his duly authorized representative and to oral or written arguments by interested parties.

(4) The appeal board in acting on the appeal shall make a report summarizing the evidence, findings of fact, and recommended decision. If for any reason the California Apprenticeship Council rejects the recommended decision, before any further action is taken by the California Apprenticeship Council in rendering a different decision, a complete transcript shall be furnished each member of the California Apprenticeship Council for his independent review and consideration.

(5) The California Apprenticeship Council will notify all parties of its decision by registered letter (return receipt requested).

*History:* 1. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).

#### Article 2. Declaration of Policy and Purpose

204. Declaration of Policy. (a) An apprenticeship program provides an opportunity for learning all the basic skills and knowledges required in an occupation.

(b) Apprenticeship is full time on-the-job training provided to youth employed primarily for that purpose, supplemented by necessary related and supplemental instruction.

(c) Apprenticeship should be made available to qualified youths regardless of sex, race, creed or color.

(d) The training programs should be wherever possible, planned, organized and administered by employers and employees, pursuant to state laws and regulations on apprenticeship.



(e) The basic objectives of such a system are best achieved through voluntarily accepted obligations. Employers and employees agree to apprenticeship standards which set forth an approved training program, and to apprentice agreements under which apprentices are employed to be trained under approved standards. Such a system requires that full cooperation of employers, employees, schools, government apprenticeship agencies and other interested agencies or parties.

(f) Apprenticeship standards and apprentice agreements in an industry should be in conformity with the provisions of applicable collective bargaining agreements between employers and employees in the industry, subject to the provisions of Section 3078 (h) and Section 3086 of the Labor Code.

(g) Should it be necessary for the Administrator of Apprenticeship to withdraw his approval of apprenticeship standards, he will take appropriate steps to safeguard the welfare of the apprentices thereunder.

**205. Definitions.** (a) An "apprenticeable occupation" is one which requires independent judgment in the application of manual, mechanical or technical skills and is best learned through an organized system of on-the-job training together with related and supplemental instruction.

(b) "Competent evidence" as used in Section 224 is a transcript or abstract of the records required to be maintained pursuant to Section 212 (a) (5) (E), or an attestation by the apprenticeship program sponsor stating that all training has been fully completed, on forms to be furnished by the Division of Apprenticeship Standards, demonstrating that the apprenticeship program has been fully completed, certified by the apprenticeship program sponsor, and endorsed by a representative of the Division of Apprenticeship Standards.

(c) "Apprenticeship program sponsor" is a local joint apprenticeship committee, a local unilateral apprenticeship committee or the party to a unilateral apprenticeship program where there is no apprenticeship committee established or any combination thereof.

*History:* 1. Amendment of subsection (a) filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).

**206. Purpose and Intent.** The purpose and intent of the California Apprenticeship Council in establishing labor standards for wages, hours and working conditions, and in issuing rules and regulations on apprenticeship is to encourage the establishment and operation of apprenticeship programs, which are accredited as meeting these standards by the approval of the Administrator of Apprenticeship.

*History:* 1. Editorial correction (Register 75, No. 19).

**207. Administrative Policies.** The California Apprenticeship Council recommends that the Administrator of Apprenticeship formulate administrative policies under which the Division of Apprenticeship Standards will promote apprenticeship, assist employers and employees in the development of apprenticeship standards, assist employers, employees, schools and other government and community agencies in coordinating their activities in apprenticeship and advise and assist apprenticeship program sponsors in the operation and improvement of their training programs.

**Article 3. Standards for Minimum Wages, Maximum Hours and Working Conditions**

**208. Minimum Wages.** Apprenticeship standards and apprentice agreements shall contain graduated wage schedules to be paid apprentices that provide for reasonably uniform progressive wage increases during the term of training, except where other schedules are provided in collective bargaining agreements.

The wages and other compensation paid to apprentices for regular or overtime work shall not be less than either (1) the minimum wages fixed in any applicable federal or state law or regulation; (2) the wages and other compensation currently prevailing in the occupation and in the area, provided that the beginning wage is not less than 50 percent of the current prevailing journeymen's wage in the occupation and in the area, except where a lesser beginning wage is specified under the terms of a collective bargaining agreement, in which event such wages shall be applicable to all apprentices within that industry and area.

*History:* 1. Amendment filed 11-5-75; effective thirtieth day thereafter (Register 75, No. 45).

**209. Maximum Hours.** The regular work day and work week for apprentices shall conform to all applicable laws and regulations and should not be greater than those of the journeymen in the occupation. Overtime shall not interfere with or impair the training and shall not be detrimental to the health and safety of apprentices.

**210. Working Conditions.** Working and all other conditions of employment for apprentices shall conform with all laws and regulations affecting their health, welfare, and safety. Apprentices shall work under and with competent journeymen and/or instructors and shall be assigned to work and learning tasks so that they obtain the diversified training on-the-job provided for in the apprenticeship standards.

**Article 4. Apprenticeship Standards**

**211. Apprenticeable Occupations.** Apprenticeship programs may be established by the interested parties in any occupation which the Administrator of Apprenticeship recognizes as apprenticeable.

**212. Content of Apprenticeship Standards.** Apprenticeship programs shall be established by written apprenticeship standards agreed to by interested employers, employer associations and by interested labor unions, if any, and approved by the Administrator of Apprenticeship if consistent with these standards and rules.

(a) Apprenticeship standards may be approved by the Administrator of Apprenticeship provided they contain the following requirements in addition to those requirements contained in Chapter 4, Division 3 of the Labor Code, which apply to apprenticeship standards and agreements:

- (1) Statement of the craft or industry;
- (2) Statement of the parties to whom the standards apply;

(3) Provision for the establishment of an apprenticeship committee if applicable, pursuant to the provisions of Section 218, 219 and 220 of this code;

(4) Statement of the functions of the apprenticeship program sponsor;

(5) Provision for:

(A) supervision and administration of the standards;

(B) establishment of rules and regulations governing the program;

(C) determining the qualifications of employers if other than single employer programs;

(D) determining the qualifications of apprentice applicants;

(E) an apprentice record system;

(F) discipline of and for apprentices;

(G) termination of apprentice agreements;

(H) recommending issuance of State Certificates of completion of Apprenticeship;

(I) revision of standards;

(6) Statement of the definition and duties of the apprentice;

(7) Statement of the working conditions of the apprentice;

(8) Provision for training and education of the apprentice in safe working practices and in the recognition of occupational health and safety hazards;

(9) Statement of the current applicable journeyman wage;

(10) Statement of the ratio or number of apprentices to be employed or the method of determining such ratio;

(11) The names and signatures of the parties;

(12) Provisions for approval of the standards by the administrator of apprenticeship;

(13) Provision for fair and impartial treatment of applicants for apprenticeship, selected through uniform selection procedures.

(b) Apprenticeship standards may provide for the establishment of the apprenticeship committees and the programs as nonprofit undertakings and may provide that the apprenticeship committees may accept moneys, materials, equipment and services from the signatory employer and employee organizations, from individual employers or from other sources for the use of the apprenticeship committee to defray the cost of such supplies, equipment, materials, aids, services, personnel, projects or activities as the apprenticeship committee or the parties to the standards shall determine necessary or desirable to effectuate the purposes of the standards or to enable the apprenticeship committee to administer, supervise, conduct or promote the program. Such financing plans shall contain accounting and auditing provisions to safeguard such funds.

(c) The apprenticeship program sponsor where specific written authority is delegated by the parent bodies they represent, may provide in their standards for the disciplining of apprentices for failure to fulfill their obligations on-the-job or in related instruction. Such measures may include provision for the suspension of an apprentice's employment for a fixed period not to exceed 60 days, and/or for good and sufficient reason may provide for the recommendation to the Administrator of Apprenticeship of immediate cancellation of the apprentice agreement.

*History:* 1. Amendment of subsection (c) filed 5-7-75; effective thirtieth day thereafter (Register 75, No. 19).

2. Amendment of subsection (a) (8) filed 11-5-75; effective thirtieth day thereafter (Register 75, No. 45).

**213. Application of Local Apprenticeship Standards.** Local apprenticeship standards may be approved for a single employer, or for a group of employers, and for one or more occupations. The provisions of local apprenticeship standards shall apply to employer and employee organizations who are signatory to the standards, and their members, and to other employers who subscribe to the standards, or are a party to a collective bargaining agreement with an employee organization signatory to the standards, and to all apprentice agreements under them. Local apprenticeship committees shall be consulted in connection with proposed standards in their area and occupations submitted by employer or employees not represented on such local apprenticeship committees.

*History:* 1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).

**214. Approved Forms.** The California Apprenticeship Council shall approve suggested language for apprenticeship standards and forms of apprentice agreements and other forms to be used or signed by program sponsors or by individuals or firms subscribing to apprenticeship standards which shall be available at any office of the Division of Apprenticeship Standards.

*History:* 1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).

**Article 5. Selection Procedures**

**215. State and Federal Compliance.** Selection procedures must be in writing, approved by the apprenticeship program sponsor, and must meet objective standards.

(a) Apprenticeship programs on and after April 8, 1972 must comply with Title 29 Code of Federal Regulations Part 30, as Amended, 36 F.R. 6810, April 8, 1971, for federal purposes as though expressly set forth herein.

In addition the apprenticeship programs must comply with all applicable provisions of the California Administrative Code, Title 8, Chapter 2.

(b) Each apprenticeship program sponsor shall be required to maintain fair and impartial treatment of applicants and apprentices and to maintain written objective selection procedures in accordance with Article 5 of this code. Each apprenticeship program sponsor shall file written copies of its selection procedures with the Administrator of Apprenticeship, which shall be signed by the secretary and/or chairman of the apprenticeship committee or the party to a unilateral apprenticeship program where there is no apprenticeship committee established and signify the date of approval by the apprenticeship program sponsor. Each apprenticeship program sponsor shall provide, as a minimum requirement, each applicant with a copy of its selection procedure in summary form when making application. Each apprenticeship program sponsor shall have available at the place or places where applications are taken a copy of its complete selection procedure which is on file with the Administrator of Apprenticeship for the study and/or perusal of any applicant upon his request.

(c) Whether under single plant standards or multiple plant standards, when the employer is authorized by the apprenticeship committee to select the apprentice, he will have agreed in writing to abide by the standards, including the fair and impartial selection procedures, in hiring applicants for apprenticeship and that he will cooperate with the apprenticeship committee in carrying out the provision for fair and impartial treatment of applicants for apprenticeship selected through uniform selection procedures.

Selections from restricted pools, e.g., from present employees may be made on the basis of seniority of employment provided selection for such pools is consistent with Section 216.

(d) Exemption from this Article may be granted by the Administrator of Apprenticeship for good cause. Requests for exemption from Article 5, or any part thereof, of this code shall be made in writing to the Administrator and shall contain a statement of reasons supporting the request.

(e) In addition to any violation provided by law, the making of willfully false statements on records required by Subsection (a) of this section by any person, persons, or group of persons who are a party to the making of said statements, is a violation of this Article.

*History:* 1. Amendment of subsection (a) filed 6-8-71; effective thirtieth day thereafter (Register 71, No. 24).

2. New subsection (d) filed 5-7-75; effective thirtieth day thereafter (Register 75, No. 19).

3. New subsection (e) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).

**216. Content of Selection Procedures.** Selection procedures shall include such provisions as may be necessary to afford all applicants full and fair opportunity to apply for apprenticeship.

(a) They shall include the following:

(1) Provisions for publicly disseminating information at least forty-five (45) calendar days in advance of the closing date for taking applications listing the qualifications required, dates, times and places applications will be available.

Where testing of any kind is required, notices publicly disseminating information must be sent out at least forty-five (45) calendar days in advance of the first scheduled test.

In all cases the time provided for receiving applications shall be not less than ten (10) working days at a place designated by the program sponsor. The program sponsor shall receive applications at such regular place of business for not less than one (1) hour for each of the ten (10) working days and for such additional time during the ten (10) days as is necessary to provide opportunity for all applicants to file their applications.

Where an apprenticeship program sponsor takes applications continuously their selection procedures shall include provisions for publicly disseminating information at least once every six (6) months.

All publicly disseminated information shall be submitted in written summary form to the Division of Apprenticeship Standards, California State Employment Service and through the County Superintendent of Schools to the public high school districts in the area covered by the apprenticeship program sponsor. Information should also be disseminated through other appropriate means agreed to by the apprenticeship program sponsor, such as publications, local community organizations, committees on equal opportunity, information centers, and other public agencies.

In those situations where there is a need for apprentices and qualified applicants are not available for dispatch as apprentices, the Administrator of Apprenticeship may, upon the request of an apprenticeship program sponsor, suspend the requirements for advance notice of taking applications.

(2) Required procedure for making written applications.

(3) Procedure for handling applications, that is, the method of dating and recording applications and the acceptance and rejection of applicants and how the applicants are notified of their acceptance or rejection.

(4) Required age limitations, if any, and exceptions, if any.

(5) Required formal education, if any, or equivalency if permitted. Ten (10) percentage points of the maximum score that may be achieved on the test in question, if any, may be uniformly granted for purposes of giving preference to applicants who have satisfactorily completed prescribed preapprenticeship courses which are approved by the Administrator.

(6) Required physical examination, if any.

(7) Procedure for the scheduling of tests and oral interviews, if any.

(8) Required tests, if any, and by whom they are administered.

(9) Procedure for oral interview, if utilized, shall provide that each factor considered be given a separate rating. Where oral interviews are used, adequate records shall be kept, including a brief summary of each interview and the conclusions reached on each of the specific factors.

(10) The relative weight given for tests and oral interviews in the overall evaluation of the applicants.

(11) Procedure for acceptance, rejection and referral of applicants to job openings and how the applicants are so notified.

(12) Procedure for testing, rating and placing applicants with previous experience in a higher wage bracket (apprenticeship period).

(b) Selection procedures may include the following:

(1) Requirement for pre-employment medical or physical examinations at no cost to the applicants.

(2) Requirement of applicants to furnish appropriate information about themselves and their essential job-performance qualifications.

(3) Educational requirements of applicants to establish job-performance qualifications considered essential to both on-the-job training and classes of related and supplemental instruction.

(4) Requirements of testing applicants to establish job-performance qualifications considered essential to both on-the-job training and classes of related and supplemental instruction.

(c) Selection procedures shall not include the following:

(1) Numerical rating of applicants based on their educational experience in excess of minimum educational requirements.

(2) Test designed to determine the skill and knowledge of the trade as a beginning entrance requirement.

(3) A requirement for a driver's license as a condition of accepting or processing an application.

(4) A requirement of residency as a condition of accepting or processing an application.

*History:* 1. Amendment of subsections (a) (1), (a) (5) and (c) (2) filed 8-9-71; effective thirtieth day thereafter (Register 71, No. 33).

2. Amendment of subsection (9) filed 5-18-73; effective thirtieth day thereafter (Register 73, No. 20).

217. **Review and Compliance.** (a) To assure compliance with this program the Division of Apprenticeship Standards will review at the state level all pertinent documentation for each apprenticeship program.

(b) It will be the responsibility of the Division of Apprenticeship Standards consultant or a Bureau of Apprenticeship and Training representative assigned to every approved apprenticeship program to review initially and periodically the selection procedures including, if such are used, current lists of accepted applicants and employment practices during the apprenticeship. The consultant or representative will take appropriate action to assure that apprentices are selected and employed without discrimination, in accordance with Article 5 of this Code and the following review criteria:

(1) The selection of apprentices on the basis of qualifications alone, in accordance with objective standards which permit review after full and fair opportunity for application.

(2) The taking of appropriate steps under applicable section of the State Labor Code in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted.

(3) Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

(4) If the consultant or representative finds substantial reason to believe that there is discrimination and is unable to persuade the parties to correct it, or has reason to believe records are falsified, the consultant or representative will report the situation through channels to the Chief, Division of Apprenticeship Standards, for appropriate action.

(5) All apprenticeship standards are required by rules of the California Apprenticeship Council to contain provision for fair and impartial treatment of applicants for apprenticeship and there shall be no exception to this requirement.

(6) Nothing herein is to be construed as suggesting or favoring a quota system.

(c) The Division of Apprenticeship Standards will keep the U.S. Bureau of Apprenticeship and Training informed of any actions which may be taken to enforce the provisions of this Article.

(d) A close liaison has been established between the California Apprenticeship Council and the California Fair Employment Practice Commission. It is noted that California's Fair Employment Practice Commission receives all complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of such person in accordance with Section 3096 of the Labor Code.

*History:* 1. Amendment of subsection (b) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).

#### Article 6. Apprenticeship Programs and Committees

218. **Local Apprenticeship Programs.** The administration and operation of local apprenticeship programs shall be supervised by a local apprenticeship committee which shall approve apprentice agree-



**Article A-1. General Provisions**

**200. Authority.** Pursuant to the authority of Section 3071 of the Labor Code, which provides that the California Apprenticeship Council "... shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter . . . .," the following rules and regulations shall govern matters concerning apprenticeship programs.

NOTE: Authority cited for Chapter 2: Section 3071, California Labor Code.

*History:* 1. Revision of Chapter 2 filed 9-25-69; effective thirtieth day thereafter (Register 69, No. 39). For former sections and history, see Registers 67, Nos. 24 and 32, and 69, No. 19.

2. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).

**Article 1. Procedures for Investigating, Holding Hearings and Determining Disputes**

**201. Filing of Complaints.** (a) Complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of such person shall be filed with the State Fair Employment Practice Commission in accordance with the requirements of Section 3096 of the Labor Code.

(b) All complaints not covered by paragraph (a) above may be filed by any interested person with the Administrator of Apprenticeship or the Administrator of Apprenticeship upon his own initiative may issue a complaint, when there is cause to believe that a decision, order or action of an apprenticeship program sponsor (as defined in Section 205 (c)) has been unfair or unreasonable; or that there has been a violation of:

- (1) Chapter 4, Division 3 of the Labor Code;
- (2) That portion of Chapter 1, Division 2, Section 1777.5 of the Labor Code delegated to the California Apprenticeship Council for interpretation and enforcement;
- (3) California Administrative Code Title 8, Chapter 2, Part 1;
- (4) Apprenticeship Standards;
- (5) Apprenticeship Agreements;
- (6) Selection Procedures;
- (7) Rules, Regulations or Policies established by an apprenticeship program sponsor.

(c) Complaints filed with, or by, the Administrator of Apprenticeship shall be filed in writing within ninety (90) days of the date of the alleged violation or within thirty (30) days of a decision by, an order by, or an action of an apprenticeship program sponsor to adjust the matter locally, whichever is latest, and shall contain the following:

- (1) The full name and address of the party (person, organization or other party) filing the complaint (hereinafter referred to as the "charging party").

(2) The full name and address of the party (person, organization, or other party) against whom the complaint is made (hereinafter referred to as the "respondent").

(3) A clear and concise statement of the facts constituting the alleged complaint.

(4) The signature of the person filing the complaint or an authorized officer or agent in the case of an organization, employer, labor union, apprenticeship program sponsor, or other interested party.

(5) A declaration by the person signing the complaint, under penalties of law, that its contents are true and correct to the best of his knowledge and belief.

(d) Upon receipt or issuance of a complaint the Administrator of Apprenticeship shall cause a copy of such complaint to be served upon the respondent(s).

(e) Complaints may be withdrawn only with the consent of the Administrator of Apprenticeship.

(f) Nothing in this rule shall conflict with the provisions of Section 3078 (h), Section 3086 and Section 3096 of the Labor Code.

(g) Except as otherwise specifically provided for herein, whenever the Administrator of Apprenticeship is referred to it shall also mean his duly authorized representative as provided for in Section 3073 of the Labor Code.

*History:* 1. Amendment of subsection (c) filed 5-18-73; effective thirtieth day thereafter (Register 73, No. 20).

## 202. Investigations, Holding of Hearings and Determinations.

(a) The Administrator of Apprenticeship, upon the timely receipt or issuance of a complaint under Section 201, shall investigate the matter to determine whether the complaint has merit, and in the course of such investigations, the Administrator of Apprenticeship may take such steps as he deems necessary under the circumstances to bring about an amicable adjustment of the controversy. The Administrator of Apprenticeship shall dismiss any complaint that is not timely filed and may, following an investigation, dismiss any complaint that is found to be without merit. In such cases the Administrator of Apprenticeship shall prepare a statement of his findings and determinations and file it with the California Apprenticeship Council, and notify all parties in writing by registered mail (return receipt requested) of his determination to dismiss the complaint.

(b) If the matter is not dismissed, withdrawn or settled satisfactorily, the Administrator of Apprenticeship shall hold a hearing in accordance with the following procedure:

(1) He shall fix the time and place of the hearing and notify all interested parties not less than two weeks in advance by registered letter (return receipt requested) specifying the time and place of the hearing.

(2) The interested parties shall be given an opportunity to present evidence and oral or written arguments in support of their positions.

(3) The hearing need not be conducted according to technical rules relating to evidence and witnesses.

(4) All witnesses testifying before the Administrator of Apprenticeship shall testify under oath.

(5) A full transcript of the hearing shall be taken by a qualified person.

(c) The Administrator of Apprenticeship or his duly authorized representative may conduct the investigation, hold the hearing and decide on the complaint. The Administrator of Apprenticeship may however, if he so elects, delegate to his duly authorized representative authority only to hold a hearing and to report, reserving to himself the authority to decide on the complaint. In that case, the duly authorized representative shall hold a hearing and submit to the Administrator of Apprenticeship the entire record of the hearing together with his written recommendations, and the Administrator of Apprenticeship shall read the record and the written recommendations before deciding on the complaint.

(d) In deciding on the complaint, the Administrator of Apprenticeship or his duly authorized representative shall prepare a statement of findings of fact, make a decision, file it with the California Apprenticeship Council and notify all parties in writing by registered mail (return receipt requested) of the decision and of any action taken.

(e) The determination of the Administrator of Apprenticeship or his duly authorized representative shall be filed with the California Apprenticeship Council. If no appeal therefrom is filed with the California Apprenticeship Council within 10 days after date thereof, as herein provided, such determination shall become the order of the California Apprenticeship Council. Any person aggrieved by any determination or action of the Administrator of Apprenticeship or his duly authorized representative may appeal therefrom to the California Apprenticeship Council, who shall hold a hearing thereon after due notice to the interested parties.

203. Appeals to the California Apprenticeship Council. (a) When an appeal is taken to the California Apprenticeship Council pursuant to the Labor Code, within 10 days of a decision of the Administrator of Apprenticeship or his duly authorized representative, the following procedure shall be followed:

(1) The Chairman of the California Apprenticeship Council shall appoint three (3) members of the California Apprenticeship Council to act as an appeal board to hear and decide the appeal. This appeal board shall consist of one member of the California Apprenticeship Council representing employee organization and one member representing employer organization; the third member will be a member who does not represent either of the aforementioned groups and shall act as chairman of the appeal board.

(2) The designated chairman of the appeal board shall fix the time and place of the hearing on the appeal and notify all interested parties not less than two weeks in advance by registered letter (return receipt requested) specifying the time and place of the hearing.

(3) The hearing on the appeal shall be limited to a review of the record before the Administrator of Apprenticeship or his duly authorized representative and to oral or written arguments by interested parties.

(4) The appeal board in acting on the appeal shall make a report summarizing the evidence, findings of fact, and recommended decision. If for any reason the California Apprenticeship Council rejects the recommended decision, before any further action is taken by the California Apprenticeship Council in rendering a different decision, a complete transcript shall be furnished each member of the California Apprenticeship Council for his independent review and consideration.

(5) The California Apprenticeship Council will notify all parties of its decision by registered letter (return receipt requested).

*History:* 1. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).

#### Article 2. Declaration of Policy and Purpose

204. Declaration of Policy. (a) An apprenticeship program provides an opportunity for learning all the basic skills and knowledges required in an occupation.

(b) Apprenticeship is full time on-the-job training provided to youth employed primarily for that purpose, supplemented by necessary related and supplemental instruction.

(c) Apprenticeship should be made available to qualified youths regardless of sex, race, creed or color.

(d) The training programs should be wherever possible, planned, organized and administered by employers and employees, pursuant to state laws and regulations on apprenticeship.

(e) The basic objectives of such a system are best achieved through voluntarily accepted obligations. Employers and employees agree to apprenticeship standards which set forth an approved training program, and to apprentice agreements under which apprentices are employed to be trained under approved standards. Such a system requires that full cooperation of employers, employees, schools, government apprenticeship agencies and other interested agencies or parties.

(f) Apprenticeship standards and apprentice agreements in an industry should be in conformity with the provisions of applicable collective bargaining agreements between employers and employees in the industry, subject to the provisions of Section 3078 (h) and Section 3086 of the Labor Code.

(g) Should it be necessary for the Administrator of Apprenticeship to withdraw his approval of apprenticeship standards, he will take appropriate steps to safeguard the welfare of the apprentices thereunder.

**205. Definitions.** (a) An "apprenticeable occupation" is one which requires independent judgment in the application of manual, mechanical or technical skills and is best learned through an organized system of on-the-job training together with related and supplemental instruction.

(b) "Competent evidence" as used in Section 224 is a transcript or abstract of the records required to be maintained pursuant to Section 212 (a) (5) (E), or an attestation by the apprenticeship program sponsor stating that all training has been fully completed, on forms to be furnished by the Division of Apprenticeship Standards, demonstrating that the apprenticeship program has been fully completed, certified by the apprenticeship program sponsor, and endorsed by a representative of the Division of Apprenticeship Standards.

(c) "Apprenticeship program sponsor" is a local joint apprenticeship committee, a local unilateral apprenticeship committee or the party to a unilateral apprenticeship program where there is no apprenticeship committee established or any combination thereof.

*History:* 1. Amendment of subsection (a) filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).

**206. Purpose and Intent.** The purpose and intent of the California Apprenticeship Council in establishing labor standards for wages, hours and working conditions, and in issuing rules and regulations on apprenticeship is to encourage the establishment and operation of apprenticeship programs, which are accredited as meeting these standards by the approval of the Administrator of Apprenticeship.

*History:* 1. Editorial correction (Register 75, No. 19).

**207. Administrative Policies.** The California Apprenticeship Council recommends that the Administrator of Apprenticeship formulate administrative policies under which the Division of Apprenticeship Standards will promote apprenticeship, assist employers and employees in the development of apprenticeship standards, assist employers, employees, schools and other government and community agencies in coordinating their activities in apprenticeship and advise and assist apprenticeship program sponsors in the operation and improvement of their training programs.

Article 3. Standards for Minimum Wages, Maximum Hours and Working Conditions

208. **Minimum Wages.** Apprenticeship standards and apprentice agreements shall contain graduated wage schedules to be paid apprentices that provide for reasonably uniform progressive wage increases during the term of training, except where other schedules are provided in collective bargaining agreements.

The wages and other compensation paid to apprentices for regular or overtime work shall not be less than either (1) the minimum wages fixed in any applicable federal or state law or regulation; (2) the wages and other compensation currently prevailing in the occupation and in the area, provided that the beginning wage is not less than 50 percent of the current prevailing journeymen's wage in the occupation and in the area, except where a lesser beginning wage is specified under the terms of a collective bargaining agreement, in which event such wages shall be applicable to all apprentices within that industry and area.

*History:* 1. Amendment filed 11-5-75; effective thirtieth day thereafter (Register 75, No. 45).

209. **Maximum Hours.** The regular work day and work week for apprentices shall conform to all applicable laws and regulations and should not be greater than those of the journeymen in the occupation. Overtime shall not interfere with or impair the training and shall not be detrimental to the health and safety of apprentices.

210. **Working Conditions.** Working and all other conditions of employment for apprentices shall conform with all laws and regulations affecting their health, welfare, and safety. Apprentices shall work under and with competent journeymen and/or instructors and shall be assigned to work and learning tasks so that they obtain the diversified training on-the-job provided for in the apprenticeship standards.

Article 4. Apprenticeship Standards

211. **Apprenticeable Occupations.** Apprenticeship programs may be established by the interested parties in any occupation which the Administrator of Apprenticeship recognizes as apprenticeable.

212. **Content of Apprenticeship Standards.** Apprenticeship programs shall be established by written apprenticeship standards agreed to by interested employers, employer associations and by interested labor unions, if any, and approved by the Administrator of Apprenticeship if consistent with these standards and rules.

(a) Apprenticeship standards may be approved by the Administrator of Apprenticeship provided they contain the following requirements in addition to those requirements contained in Chapter 4, Division 3 of the Labor Code, which apply to apprenticeship standards and agreements:

- (1) Statement of the craft or industry;
- (2) Statement of the parties to whom the standards apply;

(3) Provision for the establishment of an apprenticeship committee if applicable, pursuant to the provisions of Section 218, 219 and 220 of this code;

(4) Statement of the functions of the apprenticeship program sponsor;

(5) Provision for:

(A) supervision and administration of the standards;

(B) establishment of rules and regulations governing the program;

(C) determining the qualifications of employers if other than single employer programs;

(D) determining the qualifications of apprentice applicants;

(E) an apprentice record system;

(F) discipline of and for apprentices;

(G) termination of apprentice agreements;

(H) recommending issuance of State Certificates of completion of Apprenticeship;

(I) revision of standards;

(6) Statement of the definition and duties of the apprentice;

(7) Statement of the working conditions of the apprentice;

(8) Provision for training and education of the apprentice in safe working practices and in the recognition of occupational health and safety hazards;

(9) Statement of the current applicable journeyman wage;

(10) Statement of the ratio or number of apprentices to be employed or the method of determining such ratio;

(11) The names and signatures of the parties;

(12) Provisions for approval of the standards by the administrator of apprenticeship;

(13) Provision for fair and impartial treatment of applicants for apprenticeship, selected through uniform selection procedures.

(b) Apprenticeship standards may provide for the establishment of the apprenticeship committees and the programs as nonprofit undertakings and may provide that the apprenticeship committees may accept moneys, materials, equipment and services from the signatory employer and employee organizations, from individual employers or from other sources for the use of the apprenticeship committee to defray the cost of such supplies, equipment, materials, aids, services, personnel, projects or activities as the apprenticeship committee or the parties to the standards shall determine necessary or desirable to effectuate the purposes of the standards or to enable the apprenticeship committee to administer, supervise, conduct or promote the program. Such financing plans shall contain accounting and auditing provisions to safeguard such funds.

(c) The apprenticeship program sponsor where specific written authority is delegated by the parent bodies they represent, may provide in their standards for the disciplining of apprentices for failure to fulfill their obligations on-the-job or in related instruction. Such measures may include provision for the suspension of an apprentice's employment for a fixed period not to exceed 60 days, and/or for good and sufficient reason may provide for the recommendation to the Administrator of Apprenticeship of immediate cancellation of the apprentice agreement.

*History:* 1. Amendment of subsection (c) filed 5-7-75; effective thirtieth day thereafter (Register 75, No. 19).

2. Amendment of subsection (a) (8) filed 11-5-75; effective thirtieth day thereafter (Register 75, No. 45).

**213. Application of Local Apprenticeship Standards.** Local apprenticeship standards may be approved for a single employer, or for a group of employers, and for one or more occupations. The provisions of local apprenticeship standards shall apply to employer and employee organizations who are signatory to the standards, and their members, and to other employers who subscribe to the standards, or are a party to a collective bargaining agreement with an employee organization signatory to the standards, and to all apprentice agreements under them. Local apprenticeship committees shall be consulted in connection with proposed standards in their area and occupations submitted by employer or employees not represented on such local apprenticeship committees.

*History:* 1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).



**214. Approved Forms.** The California Apprenticeship Council shall approve suggested language for apprenticeship standards and forms of apprentice agreements and other forms to be used or signed by program sponsors or by individuals or firms subscribing to apprenticeship standards which shall be available at any office of the Division of Apprenticeship Standards.

*History:* 1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).

**Article 5. Selection Procedures**

**215. State and Federal Compliance.** Selection procedures must be in writing, approved by the apprenticeship program sponsor, and must meet objective standards.

(a) Apprenticeship programs on and after April 8, 1972 must comply with Title 29 Code of Federal Regulations Part 30, as Amended, 36 F.R. 6810, April 8, 1971, for federal purposes as though expressly set forth herein.

In addition the apprenticeship programs must comply with all applicable provisions of the California Administrative Code, Title 8, Chapter 2.

(b) Each apprenticeship program sponsor shall be required to maintain fair and impartial treatment of applicants and apprentices and to maintain written objective selection procedures in accordance with Article 5 of this code. Each apprenticeship program sponsor shall file written copies of its selection procedures with the Administrator of Apprenticeship, which shall be signed by the secretary and/or chairman of the apprenticeship committee or the party to a unilateral apprenticeship program where there is no apprenticeship committee established and signify the date of approval by the apprenticeship program sponsor. Each apprenticeship program sponsor shall provide, as a minimum requirement, each applicant with a copy of its selection procedure in summary form when making application. Each apprenticeship program sponsor shall have available at the place or places where applications are taken a copy of its complete selection procedure which is on file with the Administrator of Apprenticeship for the study and/or perusal of any applicant upon his request.

(c) Whether under single plant standards or multiple plant standards, when the employer is authorized by the apprenticeship committee to select the apprentice, he will have agreed in writing to abide by the standards, including the fair and impartial selection procedures, in hiring applicants for apprenticeship and that he will cooperate with the apprenticeship committee in carrying out the provision for fair and impartial treatment of applicants for apprenticeship selected through uniform selection procedures.

Selections from restricted pools, e.g., from present employees may be made on the basis of seniority of employment provided selection for such pools is consistent with Section 216.

(d) Exemption from this Article may be granted by the Administrator of Apprenticeship for good cause. Requests for exemption from Article 5, or any part thereof, of this code shall be made in writing to the Administrator and shall contain a statement of reasons supporting the request.

(e) In addition to any violation provided by law, the making of willfully false statements on records required by Subsection (a) of this section by any person, persons, or group of persons who are a party to the making of said statements, is a violation of this Article.

*History:* 1. Amendment of subsection (a) filed 6-8-71; effective thirtieth day thereafter (Register 71, No. 24).

2. New subsection (d) filed 5-7-75; effective thirtieth day thereafter (Register 75, No. 19).

3. New subsection (e) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).

**216. Content of Selection Procedures.** Selection procedures shall include such provisions as may be necessary to afford all applicants full and fair opportunity to apply for apprenticeship.

(a) They shall include the following:

(1) Provisions for publicly disseminating information at least forty-five (45) calendar days in advance of the closing date for taking applications listing the qualifications required, dates, times and places applications will be available.

Where testing of any kind is required, notices publicly disseminating information must be sent out at least forty-five (45) calendar days in advance of the first scheduled test.

In all cases the time provided for receiving applications shall be not less than ten (10) working days at a place designated by the program sponsor. The program sponsor shall receive applications at such regular place of business for not less than one (1) hour for each of the ten (10) working days and for such additional time during the ten (10) days as is necessary to provide opportunity for all applicants to file their applications.

Where an apprenticeship program sponsor takes applications continuously their selection procedures shall include provisions for publicly disseminating information at least once every six (6) months.

All publicly disseminated information shall be submitted in written summary form to the Division of Apprenticeship Standards, California State Employment Service and through the County Superintendent of Schools to the public high school districts in the area covered by the apprenticeship program sponsor. Information should also be disseminated through other appropriate means agreed to by the apprenticeship program sponsor, such as publications, local community organizations, committees on equal opportunity, information centers, and other public agencies.

In those situations where there is a need for apprentices and qualified applicants are not available for dispatch as apprentices, the Administrator of Apprenticeship may, upon the request of an apprenticeship program sponsor, suspend the requirements for advance notice of taking applications.

(2) Required procedure for making written applications.

(3) Procedure for handling applications, that is, the method of dating and recording applications and the acceptance and rejection of applicants and how the applicants are notified of their acceptance or rejection.

(4) Required age limitations, if any, and exceptions, if any.

(5) Required formal education, if any, or equivalency if permitted. Ten (10) percentage points of the maximum score that may be achieved on the test in question, if any, may be uniformly granted for purposes of giving preference to applicants who have satisfactorily completed prescribed preapprenticeship courses which are approved by the Administrator.

(6) Required physical examination, if any.

(7) Procedure for the scheduling of tests and oral interviews, if any.

(8) Required tests, if any, and by whom they are administered.

(9) Procedure for oral interview, if utilized, shall provide that each factor considered be given a separate rating. Where oral interviews are used, adequate records shall be kept, including a brief summary of each interview and the conclusions reached on each of the specific factors.

(10) The relative weight given for tests and oral interviews in the overall evaluation of the applicants.

(11) Procedure for acceptance, rejection and referral of applicants to job openings and how the applicants are so notified.

(12) Procedure for testing, rating and placing applicants with previous experience in a higher wage bracket (apprenticeship period).

(b) Selection procedures may include the following:

(1) Requirement for pre-employment medical or physical examinations at no cost to the applicants.

(2) Requirement of applicants to furnish appropriate information about themselves and their essential job-performance qualifications.

(3) Educational requirements of applicants to establish job-performance qualifications considered essential to both on-the-job training and classes of related and supplemental instruction.

(4) Requirements of testing applicants to establish job-performance qualifications considered essential to both on-the-job training and classes of related and supplemental instruction.

(c) Selection procedures shall not include the following:

(1) Numerical rating of applicants based on their educational experience in excess of minimum educational requirements.

(2) Test designed to determine the skill and knowledge of the trade as a beginning entrance requirement.

(3) A requirement for a driver's license as a condition of accepting or processing an application.

(4) A requirement of residency as a condition of accepting or processing an application.

*History:* 1. Amendment of subsections (a) (1), (a) (5) and (c) (2) filed 8-9-71; effective thirtieth day thereafter (Register 71, No. 33).

2. Amendment of subsection (9) filed 5-18-73; effective thirtieth day thereafter (Register 73, No. 20).

217. **Review and Compliance.** (a) To assure compliance with this program the Division of Apprenticeship Standards will review at the state level all pertinent documentation for each apprenticeship program.

(b) It will be the responsibility of the Division of Apprenticeship Standards consultant or a Bureau of Apprenticeship and Training representative assigned to every approved apprenticeship program to review initially and periodically the selection procedures including, if such are used, current lists of accepted applicants and employment practices during the apprenticeship. The consultant or representative will take appropriate action to assure that apprentices are selected and employed without discrimination, in accordance with Article 5 of this Code and the following review criteria:

(1) The selection of apprentices on the basis of qualifications alone, in accordance with objective standards which permit review after full and fair opportunity for application.

(2) The taking of appropriate steps under applicable section of the State Labor Code in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted.

(3) Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

(4) If the consultant or representative finds substantial reason to believe that there is discrimination and is unable to persuade the parties to correct it, or has reason to believe records are falsified, the consultant or representative will report the situation through channels to the Chief, Division of Apprenticeship Standards, for appropriate action.

(5) All apprenticeship standards are required by rules of the California Apprenticeship Council to contain provision for fair and impartial treatment of applicants for apprenticeship and there shall be no exception to this requirement.

(6) Nothing herein is to be construed as suggesting or favoring a quota system.

(c) The Division of Apprenticeship Standards will keep the U.S. Bureau of Apprenticeship and Training informed of any actions which may be taken to enforce the provisions of this Article.

(d) A close liaison has been established between the California Apprenticeship Council and the California Fair Employment Practice Commission. It is noted that California's Fair Employment Practice Commission receives all complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of such person in accordance with Section 3096 of the Labor Code.

*History:* 1. Amendment of subsection (b) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).

#### Article 6. Apprenticeship Programs and Committees

218. **Local Apprenticeship Programs.** The administration and operation of local apprenticeship programs shall be supervised by a local apprenticeship committee which shall approve apprentice agree-

ments, adjust disputes and perform such other functions and duties as are agreed to in the local apprenticeship standards except as otherwise provided for other apprenticeship program sponsors by Section 3079 of the Labor Code. A local apprenticeship program is not restricted to a local area of coverage and may provide for local, regional or statewide coverage in its standards. All actions and determinations on local apprenticeship programs by local apprenticeship program sponsors or the parties to a collective bargaining agreement shall be made after giving reasonable notice and opportunity to be heard to all interested parties.

**219. Local Joint Apprenticeship Programs.** Where the employers and employees in an occupation or occupations in a local area are parties to a collective bargaining agreement, the local apprenticeship program shall provide in its standards for a joint apprenticeship committee composed of an equal number of employer and employee representatives, unless either or both parties waive their right to be represented on such committee.

**220. Local Unilateral Apprenticeship Programs.** (a) Where there is no collective bargaining agreement or where either party to a collective bargaining agreement waives its right to be represented on a joint apprenticeship committee, the local apprenticeship program shall provide in its standards for a unilateral apprenticeship committee composed of employer or employee representatives only, as the case may be. The administration and operation of the apprenticeship program shall be supervised by the local unilateral apprenticeship committee, subject to review and approval by the Administrator of Apprenticeship.

(b) Where a unilateral apprenticeship program is so small in size that it does not warrant establishing an apprenticeship committee, the local apprenticeship program shall provide in its standards that the administration and operation of the apprenticeship program shall be supervised by the party to the unilateral apprenticeship program, subject to review and approval by the Administrator of Apprenticeship.

**221. Federations of Apprenticeship Committees.** The California Apprenticeship Council approves and encourages the establishment of these groups, whether statewide, regional or local, not to administer or operate any apprenticeship program but to concern themselves with over-all or common problems of apprenticeship in the State or area. Such activities may include planning and conducting a biennial California Conference on Apprenticeship, an annual completion ceremony for all apprentices in the area, safety training, public information and publicity, speakers bureau, exchanging and disseminating information, experiences, and ideas about apprenticeship, and engaging in joint projects and activities to foster and advance apprenticeship. The California Apprenticeship Council recommends that these committees refrain from using the word "council" in their titles and that each be required to file with the Administrator of Apprenticeship a written statement setting forth its composition, purposes and functions including as one of its purposes the full recognition and support of the autonomy of apprenticeship program sponsors of local apprenticeship programs.

**222. State and Regional Joint Apprenticeship Advisory Committees.** Employer and employee organizations in an industry or occupation may agree upon, and the Administrator of Apprenticeship may approve, state or regional standards containing a uniform pattern of training and which provide for the establishment of a state or regional joint apprenticeship advisory committee. The state or regional joint apprenticeship advisory committee shall promote and coordinate the establishment of uniform local apprenticeship programs and local joint apprenticeship committees throughout the State, act in an advisory capacity to the California Apprenticeship Council and the Administrator of Apprenticeship in matters affecting training in its industry, and perform such other functions mutually agreed upon by the parties and consistent with these policies, standards, rules and regulations. The Administrator of Apprenticeship shall consult with such committee before approving local apprenticeship standards submitted by a local joint apprenticeship committee whose members are parties to collective bargaining systems represented on such state or regional committee and which are not in conformity with state or regional standards. Upon the approval of such state or regional pattern standards in an occupation all new local apprenticeship standards approved thereafter in the occupation will conform to the minimum requirements of such state or regional pattern standards, except in areas where there exists a local joint apprenticeship committee (as per Sections 218, 219 and 220 of these regulations) or a collective bargaining system that is not represented on the state or regional joint apprenticeship advisory committee. In such cases the criteria of state or regional standards will aid the Administrator of Apprenticeship in maintaining reasonable state or regional uniformity of training in the occupation.

*History:* 1. Amendment filed 8-9-71; effective thirtieth day thereafter (Register 71, No. 33).

**223. State and Local Community Apprenticeship Committees.** The California Apprenticeship Council approves and encourages equal employment opportunity in apprenticeship and other training. To foster and promote this policy the California Apprenticeship Council encourages, recognizes and approves the establishment of state and local community committees, composed of wide community representation from all ethnic groups, representation from labor and management, the California Apprenticeship Council and the California Conference on Apprenticeship. Each committee shall file with the Administrator of Apprenticeship a written statement setting forth its composition, purposes and functions, including as one of its purposes the full recognition and support of the autonomy of the apprenticeship program sponsors, state and regional joint apprenticeship advisory committees and federations of apprenticeship committees.

#### Article 7. State Certificates of Completion of Apprenticeship

**224. When Issued.** (a) A "Certificate of Completion of Apprenticeship" attesting to the completion of an apprenticeship will be issued under the authority of the California Apprenticeship Council by the Division of Apprenticeship Standards upon receipt of such com-

petent evidence as may be required by the California Apprenticeship Council.

(b) The certificate shall signify completion of an apprenticeship under standards and apprentice agreement approved under the State Apprenticeship Law and these regulations.

(c) Completion of the entire apprenticeship program by the apprentice shall be attested to by the local apprenticeship program sponsor. The local apprenticeship program sponsor will attest to the related and supplemental instruction after consulting with the appropriate school authorities regarding the completion of the educational requirements of related and supplemental subjects.

(d) The certificate is in recognition of completion of an apprenticeship. The certificate may be granted to an apprentice only when he: (1) in addition to previous on-the-job training and related school instruction which is of an approved nature, shall have completed not less than an additional six (6) months' period as an apprentice under the laws of the State of California; and (2) demonstrated to the satisfaction of the apprenticeship program sponsor his mastery of the skills and knowledge of the prescribed program.

(e) The local apprenticeship program sponsor in recognition of unusual ability and progress in mastering the skills of the occupations and the related and supplemental education program may decrease the apprenticeship period for individual apprentices by not more than twelve and one-half (12½) percent.

(f) Credit toward the apprenticeship for work experience prior to the apprenticeship may be given by the local apprenticeship program sponsor after verification and/or examination. Credit for partial completion of the education requirements for related and supplemental instruction may be given by the local apprenticeship program sponsor after consultation with the appropriate school authorities concerning the mastery of the related instruction ordinarily required of the apprentices.

(g) In instances where school classes are not available or where attendance will result in an undue hardship on the apprentice, the local apprenticeship program sponsor, after consultation with the appropriate school officials, may make arrangements for acceptance of educational experiences such as home study or correspondence courses as fulfilling the related and supplemental education requirement.

Article 8. Local Joint Apprenticeship Committee Certificate  
of Authorization

225. When Issued. (a) The California Apprenticeship Council will issue a Certificate of Authorization to a local joint apprenticeship committee or other apprenticeship program sponsor after an investigation by the Division of Apprenticeship Standards when:

(1) There is a written request from the local joint apprenticeship committee or other apprenticeship program sponsor signed by the chairman and secretary thereof, in which they agree to return the certificate to the Division of Apprenticeship Standards for change or adjustment if there is a change in local joint apprenticeship committee or other apprenticeship program sponsor jurisdiction or in the employer or employee organizations, or in case the standards are canceled by the Administrator of Apprenticeship;

(2) The application defined in the standards as to both trade(s) and parties is undisputed;

(3) The signatory organizations are active and representative;

(4) When the local apprenticeship program sponsor is a local joint apprenticeship committee, it is bona fide when the members of the local joint apprenticeship committee are properly designated by the signatory organizations and are equally representative of management and labor;

(5) When the local apprenticeship program sponsor is a local joint apprenticeship committee, is active and holds meetings at regular intervals;

(6) The local joint apprenticeship committee or other apprenticeship program sponsor is found to be carrying out satisfactorily the provisions of its apprenticeship standards;

(7) All apprentice agreements under such standards are approved by the Administrator of Apprenticeship;

(8) A local joint apprenticeship committee or other apprenticeship program sponsor has been in operation for six months before its request is accepted.

(b) The certificate may be canceled for good and sufficient reason by the California Apprenticeship Council.

*History:* 1. Amendment of subsections (a), (a) (1), (a) (4), (a) (5), (a) (6) and (a) (8) filed 8-9-71; effective thirtieth day thereafter (Register 71, No. 33).

Article 9. Certificates of Meritorious Service

226. When Issued. Upon recommendation of a local apprenticeship committee and upon submission of evidence of a minimum of five years of continuous meritorious service by an employee or employer representative on such committee, the California Apprenticeship Council will issue a Certificate of Meritorious Service to such member. The California Apprenticeship Council will also issue such certificate to other persons rendering five or more years outstanding service in apprenticeship, as it deems appropriate.



**Article 10. Required Apprentices on Public Works Contracts**

**227. Public Works Contracts Awarded by the State or Any Political Subdivision.** (a) Public Works contracts subject to the provisions of Section 1777.5 of the Labor Code, shall be governed by the following rules and regulations.

**228. Certification.** (a) Forms shall be prepared by and available at any office of the Division of Apprenticeship Standards for such application and certification as may be necessary to carry out the intent and purpose of Section 1777.5 of the Labor Code and the rules and regulations of the California Apprenticeship Council. They shall provide for approval and signature of a local or sub-joint apprenticeship committee.

(1) Forms as prepared by the Division of Apprenticeship Standards shall be provided to cover the following certifications to be issued by a local or sub-joint apprenticeship committee in the area of the site of the public work:

(A) to approve the employment and training of apprentices in accordance with apprenticeship standards;

(B) to exempt a contractor from the provisions of Section 1777.5 of the Labor Code as provided therein.

(2) Forms as prepared by the Division of Apprenticeship Standards shall provide for a blanket certification to exempt contractors, subcontractors, or an association of contractors for an occupation in a local, regional or statewide area rather than a specific public work job site. Such certifications are to be issued by a state, local or sub-joint apprenticeship committee within their area of jurisdiction when satisfactory evidence is received that meets the requirements of the exemption.

*History:* 1. Amendment of Subsections (a)(1) and (a)(2) filed 10-3-69 as an emergency; designated effective 10-25-69 (Register 69, No. 39).

2. Certificate of Compliance filed 2-20-70 (Register 70, No. 8).

3. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).

**229. Interpretation and Application of Sections 1777.5 and 1777.7 of the Labor Code.** (a) The word "contractor" when used by itself in Section 1777.5 of the Labor Code shall mean both the contractor and any subcontractor under him.

(b) Other exemptions under the provisions of Section 1777.5 of the Labor Code, i.e., in sub-paragraph (a) "In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent . . ." is interpreted to mean that during the previous three-month period prior to requesting the exemption, fifteen (15) percent of the total number of journeymen and apprentices of the craft involved in the employee organization or organizations represented on the state, local or sub-joint apprenticeship committee were unemployed in such area, i.e., they were not employed during that period in such area, were available for work and had registered on the rolls of the employee organization(s) to seek dispatch to the job of the craft concerned. In each case where an exemption is granted the employee organization(s) must have certified such figures to the joint apprenticeship committee involved.

Further, in sub-paragraph (b) "In the event the number of apprentices in training in such area exceeds a ratio of one to five, . . ." is interpreted to mean the number of apprentices in training compared to the number of journeymen under the area of the jurisdiction of the state, local or sub-joint apprenticeship committee. In each case the state, local or sub-joint apprenticeship committee shall secure from the employee organization or organizations represented on the state, local or sub-joint apprenticeship committee a certification from their records as to the total number of journeymen in the area at the time the request is considered.

Further, in sub-paragraph (c) "If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis or (2) on a local basis . . ." is interpreted to mean the number of apprentices completed in the last calendar year in the area of jurisdiction of a state, local or sub-joint apprenticeship committee, compared to the number of journeymen on the rolls of the employee organization(s) for the same area during the last calendar year. The Division of Apprenticeship Standards shall certify the number of apprentices completed and the employee organization or organizations represented on the state, local or sub-joint apprenticeship committee shall certify from their records the number of journeymen they had on their rolls during the last calendar year.

(c) "The contractor or sub-contractor, if he is covered by this section, shall, upon the issuance of the approval certificate or if he has been previously approved in such craft or trade, shall employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards" is interpreted to mean that the contractor or sub-contractor shall employ and continue to employ apprentices at the ratio established in the apprenticeship standards on a monthly average during the length of the public work contract.

(d) In the event the Administrator of Apprenticeship or a duly authorized representative determines that there is reasonable evidence of non-compliance, the contractor will have fifteen days subsequent to receipt of written notice in which to meet with the Administrator of Apprenticeship to determine those methods, procedures, and/or requirements in order to comply. Should the contractor fail to meet with the Administrator of Apprenticeship or fail to comply with the requirements, procedures for determination of willful non-compliance will be initiated pursuant to this part.

"Willfully fails to comply" means: accepting a contract, continuing construction on a contract award, operating or maintaining a workforce on a contract, after a determination of non-compliance has been made by the Administrator of Apprenticeship with regard to any of the provisions, rules or regulations regarding apprenticeship or conditions of an apprentice agreement or certificate of approval to train apprentices on public works.

(e) This interpretation and subsequent procedures under this section do not apply to the responsibilities and procedures of the Labor Commissioner under Section 1777.5, any other section of the Labor Code or any specific delegation of authority by the Director of the Department of Industrial Relations.

- History:* 1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).  
2. New subsection (d) filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).  
3. Amendment of subsection (d) and new subsection (e) filed 11-17-76; designated effective 1-1-77 (Register 76, No. 47).

**230. Complaints and Enforcement.** (a) Any interested person may file a complaint, or the Administrator of Apprenticeship may issue a complaint on his own initiative, when there is cause to believe there has been a violation of that portion of Chapter 1, Division 2, Section 1777.5 of the Labor Code delegated to the California Apprenticeship Council for interpretation and enforcement or any provision of this Administrative Code directly or indirectly affecting the application of Section 1777.5.

(b) All complaints and other procedures for the investigating, holding of hearings, and determinations shall be carried out in accordance with Sections 201, 202 and 203 of this Administrative Code.

(c) Enforcement of the ratio of apprentices to journeymen provisions of Labor Code Section 1777.5 shall be the responsibility of the Division of Apprenticeship Standards.

- History:* 1. Amendment filed 5-24-74; effective thirtieth day thereafter (Register 74, No. 21).  
2. Amendment filed 8-27-76; effective thirtieth day thereafter (Register 76, No. 35).  
3. Amendment filed 11-17-76; designated effective 1-1-77 (Register 76, No. 47).

**Article 11. Joint Regulations Regarding Excess Costs for Related and Supplemental Instruction of Apprentices**

**235. Scope.** Provisions of this Article apply only to those classes designed to provide related and supplemental instruction for apprentices and offered by local education agencies as authorized under Section 3074 of the California Labor Code.

The provisions of this article apply only in the event that there is a joint agreement between a local education agency and a local apprenticeship program sponsor that excess costs incurred by the local education agency in connection with the program sponsored by the local apprenticeship program sponsor shall be payable by the local apprenticeship program sponsor. Once such joint agreement is reached, it shall be provided for as set forth in this article.

**NOTE:** Authority cited for Article 11: Section 3074, Labor Code.

**History:** 1. New Article 11 (Sections 235-241) filed 7-8-76; effective thirtieth day thereafter (Register 76, No. 28).

**236. Definitions.** For the purpose of this article the following definitions apply:

(a) **Apprentice(s).** The term "Apprentice(s)" shall be defined in Section 3077 of the California Labor Code.

(b) **Related and Supplemental Instruction.** Instruction for apprentices through classroom instruction, correspondence courses, self-study or other means approved by state and local education agencies pursuant to Section 3078(d) of the California Labor Code.

(c) **Local Education Agency (LEA).** Any public education agency designated or authorized by the Chancellor's Office of the California Community Colleges or the State Department of Education to provide related and supplemental instruction for apprentices. Such agency shall be referred to as a LEA.

(d) **Local Apprenticeship Program Sponsor.** A local joint apprenticeship committee, a local unilateral apprenticeship committee or a party to a unilateral apprenticeship program where there is no apprenticeship committee established to administer apprenticeship in the occupation, area and industry. Whichever the case may be the program sponsor must have approved written standards on file with the Division of Apprenticeship Standards.

(e) **Joint Agreement.** A written agreement between a LEA and a local apprenticeship program sponsor(s) which stipulates the method of calculating the excess costs in accordance with this article, and provides for the method of payment of such excess costs, if any, to said LEA by the local apprenticeship program sponsor(s).

(f) **Attendance.** "Attendance of apprentices" will be deemed to mean the average daily attendance (ADA) accrued by the LEA as a result of the attendance of apprentices (as defined in Section 3077 of the California Labor Code) enrolled in classes of related and supplemental instruction for apprentices.

"Attendance in apprenticeship classes" will be deemed to mean the average daily attendance (ADA) accrued by the LEA as a result of attendance of any student in apprenticeship classes.

(g) **Average Daily Attendance.** One ADA is equivalent to 525 hours of student attendance during a school year. ADA is to be computed by the LEA in accordance with the applicable sections of the State of California Education Code.

(h) **ADA Reporting Period.** The ADA reporting period is the annual report of Average Daily Attendance (July 1 to June 30).

(i) **State Apportionment and Local Revenues Earned.** State apportionment and local revenues for the purpose of this article constitute the foundation program.

The foundation program applicable to this article is the high school foundation program for regular students (Education Code Section 5756.5).

Revenue earned is the foundation program amount resulting from attendance of apprentices in apprenticeship classes.

(j) **Excess Costs.** Those costs of related and supplemental apprenticeship classes or programs that exceed earned revenue from attendance of apprentices after any allocation of excess revenue of all related and supplemental apprenticeship classes or programs conducted by the LEA.

**237. General Terms and Conditions.** Pursuant to this article:

(a) Revenue earned and resulting cost of apprenticeship classes will be from the attendance of apprentices.

(b) The cost per ADA of the apprenticeship classes will be based on the total ADA calculated, resulting from attendance of all students in apprenticeship classes.

(c) All revenue earned by LEA's from attendance of apprentices in apprenticeship classes authorized by this section shall be expended or allocated for all apprenticeship classes offered by the LEA before excess costs may be claimed.

(d) All excess costs incurred by LEA's exceeding state apportionment and local revenue earned by the attendance of apprentices shall be borne by the local apprenticeship program sponsor or sponsors upon a joint agreement between such sponsor(s) and the LEA. The joint agreement should be completed prior to the beginning of the school year involved, and should be renewed annually, or as mutually agreed upon. *Sponsors will be responsible only for those excess costs, if any, generated by their particular apprentices.*

**238. Calculation of Revenue Earned.** Revenue earned from attendance by apprentices in related and supplemental apprenticeship classes or programs is calculated by multiplying the annual ADA of apprentices times the high school foundations program for regular students (E.C.S. 5756.5).

**239. Calculation of Costs.** The cost of each apprenticeship program conducted by a LEA pursuant to a joint agreement is to be calculated separately.

(a) The allowable costs of an apprenticeship program will consist of the following as jointly agreed upon:

(1) **Direct Costs.** Expenses incurred to conduct the apprenticeship program in the classroom or at its location including instructional salaries and benefits, books and supplies, equipment replacement, contracted services, and capital outlay.\*

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

(2) **Direct Support Charges.** Identifiable expenses incurred in a support program directly benefitting the apprenticeship program.\*

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

The determination as to what items of direct support are applicable and the method or basis of charging to the apprenticeship program should be mutually agreed upon and made a part of the joint agreement between the local apprenticeship program sponsor(s) and the LEA.

(3) **Indirect Support Charges.** Expenses incurred for routine services not performed as a special service for a particular apprenticeship program but supportive of all programs conducted on campus by the LEA.\*

The determination as to what items of noninstructional support are applicable and the method or basis of charging indirect support to the apprenticeship program should be mutually agreed upon and made a part of the joint agreement between the local apprenticeship program sponsor(s) and the LEA.

Where the expense is not exclusively for the apprenticeship program, only the prorated portion applicable to the apprenticeship program may be charged.

(b) **The Cost Per Student ADA.** The total allowable cost of the apprenticeship program as determined by Section 239(A) divided by the total ADA generated by attendance of all students in the program.

(c) **Amount to Be Applied in Determining Excess Costs.** The cost per student ADA as determined by Section 239(B) multiplied by the ADA for apprentices in the apprenticeship program.

\* Many of the terms used in this subsection are specifically defined in the "California School Accounting Manual" and the "California Community Colleges Budget and Accounting Manual." Reference to those manuals may prove helpful.

**240. Determining Excess Costs.** If the amount of costs applied in determining the excess costs of an apprenticeship program is greater than the amount of revenue applied, the excess revenue of any other apprenticeship program conducted by the local public education agency must be allocated to reduce the excess cost. If, after allocation of any excess revenue there remains an excess cost balance, this is the amount that can be claimed for payment from the local apprenticeship program sponsor(s) pursuant to Section 241. If after allocation of any excess revenue no excess cost remains, no payment is required.

**241. Payment.** Upon the close of the school year or at other such time as may be specified in the joint agreement all excess costs incurred by the LEA's, shall be verified to the local apprenticeship program sponsor(s) and shall be payable by the local apprenticeship program sponsor(s) in accordance with the joint agreement between such sponsor(s) and the LEA. Payment shall be made directly to the LEA.

All LEA's providing related and supplemental instruction for apprentices, who have executed a joint agreement with a local apprenticeship program sponsor(s) shall file a copy of the agreement and an "Excess Cost Report of Sponsored Apprenticeship Programs" with the Chancellor's Office California Community Colleges or the State Department of Education, as appropriate, on forms to be provided.

Chapter 4 of Division 3  
**THE SHELLEY-MALONEY APPRENTICE  
LABOR STANDARDS ACT OF 1939**

Sec. 3070. The Governor shall appoint a California Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the Superintendent of Public Instruction, or his permanent and best qualified designee, and the Chancellor of the California Community Colleges, or his permanent and best qualified designee, shall also be members of the California Apprenticeship Council. The chairman shall be elected by vote of the California Apprenticeship Council. The terms of office of the members of the California Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: Two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty-five dollars (\$25) for each day of his actual attendance at meetings of the council, for each day of his actual attendance at hearings by the council or a committee thereof pursuant to Section 3082, and for each day of his actual attendance at meetings of other committees established by the council and approved by the Director of Industrial Relations, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: One additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

(Amended by Stats. 1976, Ch. 301.)

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Sec. 3071. The California Apprenticeship Council shall meet at the call of the Director of Industrial Relations and shall aid him in formulating policies for the effective administration of this chapter.

Thereafter the California Apprenticeship Council shall meet quarterly at a designated date and special meetings may be held at the call of the chairman. The California Apprenticeship Council shall establish standards for minimum wages, maximum hours, working conditions for apprentice agreements, hereinafter in this chapter referred to as labor standards, which in no case shall be lower than those prescribed by this chapter; shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter, which shall include regulations governing equal opportunities in apprenticeship, affirmative action programs which include women and minorities in apprenticeship, and other on-the-job training, and criteria for selection procedures with a view particularly toward eliminating criteria not relevant to qualification for training employment or more stringent than is reasonably necessary; shall foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment; shall insure that selection procedures are impartially administered to all applicants for apprenticeship; shall gather and promptly disseminate information through apprenticeship and training information centers; and shall maintain on public file in all high schools and field offices of the Department of Employment Development the name and location of the local area apprenticeship committees, the filing date, and minimum requirements for application of all registered apprenticeship programs. The California Apprenticeship Council shall make biennial reports through the Director of Industrial Relations of its activities and findings to the Legislature and to the public.

(Amended by Stats. 1976, Ch. 1179.)

Sec. 3072. The Director of Industrial Relations is ex officio the Administrator of Apprenticeship and is authorized to appoint such assistants as shall be necessary to effectuate the purposes of this chapter.

Sec. 3073. The administrator, or his duly authorized representative shall administer the provisions of this chapter; act as secretary of the California Apprenticeship Council; cooperate in the formation of joint apprenticeship committees and advise with them on problems affecting labor standards; may enter joint agreements with the Em-

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ployment Development Department outreach education and employment programs, and educational institutions on the operation of apprenticeship information centers, including positive efforts to achieve information on equal opportunity and affirmative action programs for women and minorities; shall supervise and recommend apprenticeship agreements as to these standards and perform such other duties associated therewith as the California Apprenticeship Council may recommend. The administrator shall coordinate the exchange, by the California Apprenticeship Council, the apprenticeship program sponsors, the Fair Employment Practices Commission, community organizations, and other interested persons, of information on available minorities and women who may serve as apprentices.

(Amended by Stats. 1976, Ch. 1179)

Sec. 3074. The preparation of trade analyses and development of curriculum for instruction, and the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of, and shall be provided by, state and local boards responsible for vocational education upon agreement with the local joint apprenticeship committee or other program sponsor. Such responsibility shall not preclude the establishment of off-campus related and supplemental instruction when approved, developed, and operated in cooperation with state and local school boards responsible for vocational education, and when such instruction meets all other requirements of this chapter. It is the intent of this chapter that such instruction shall be made available to apprentices through classroom instruction, correspondence courses, self-study or other means of instruction approved by state and local public education agencies authorized to provide vocational education.

Pursuant to this chapter all excess costs incurred by local public education agencies exceeding state apportionments and local revenue earned by the attendance of apprentices shall be payable by the local apprenticeship program sponsor, upon joint agreement between such sponsor and the local education agency. The State Board of Education and the Board of Governors of the California Community Colleges, and the Division of Apprenticeship Standards shall jointly issue regulations regarding calculation and payment provisions of excess costs to be borne by the local apprenticeship program sponsors. All funds accrued by local education agencies from attendance in apprenticeship classes

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authorized by this section shall be expended or allocated for all such classes offered by the local education agency before excess costs may be claimed.

The Department of Education and the Board of Governors of the California Community Colleges may provide related and supplemental instruction to isolated apprentices as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means. For the purpose of this section, an isolated apprentice is an apprentice registered with the Division of Apprenticeship Standards in the Department of Industrial Relations who cannot be enrolled in a class of related and supplementary instruction for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance.

Interested parties may file a complaint in accordance with Section 201 of Title 8 of the Administrative Code, when a community college or secondary education district is unable to reach agreement with program sponsors in providing related and supplemental instruction. In the process of securing an amicable adjustment, the administrator shall meet with the parties involved, including, but not limited to, the chancellor or his representative, or the Superintendent of Public Instruction, or his representative.

Community colleges, and other public school districts, shall refuse to provide related and supplemental instruction to an apprenticeship program when it is determined by the Administrator of Apprenticeship that the apprenticeship program sponsor has been found to be in noncompliance with the State of California Plan for Equal Opportunity in Apprenticeship.

(Amended by Stats. 1974, Ch. 1051.)

Sec. 3074.1. In compliance with the affirmative action requirements of California's plan for equal opportunity in apprenticeship, school districts maintaining high schools, community colleges districts, and apprenticeship program sponsors, shall provide students with information as to the availability of apprenticeship programs.

(Added by Stats. 1976, Ch. 1175.)

Sec. 3074.3. In providing related and supplemental instruction pursuant to Section 3074, and notwithstanding the provisions of Sections 5753 and 5753.1 and subdivisions (c) and (d) of Section 11251 of the Education Code, the Superintendent of Public Instruction and the Chancellor of the California Community Colleges shall recognize registration

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in an apprenticeship program approved by the Division of Apprenticeship Standards in the Department of Industrial Relations as an acceptable prerequisite to enrollment into such related and supplemental classes of instruction.

(Added by Stats. 1976, Ch. 1179.)

Sec. 3074.5. (Repealed by Stats. 1976, Ch. 301.)

Sec. 3074.7. Notwithstanding any other provision of law, the governing board of a school district which offers classroom instruction in postgraduate and upgrading courses pursuant to subdivision (d) of Section 3093 of this code may impose a fee upon individuals receiving instruction in such postgraduate and upgrading courses. Such fee shall be not more than the amount necessary, as determined by the governing board, to cover the total cost of all such classroom instruction given the individuals.

Sec. 3075. Local or state joint apprenticeship committees may be selected by the employer and the employee organizations, in any trade in the state or in a city or trade area, whenever the apprentice training needs of such trade justifies such establishment. Such joint apprenticeship committees shall be composed of an equal number of employer and employee representatives. All selection and disciplinary proceedings for apprentices or prospective apprentices shall be duly noticed to such individuals. The Division of Apprenticeship Standards shall audit all such proceedings.

(Amended by Stats. 1976, Ch. 1179.)

Sec. 3075.1. It is the public policy of this state to encourage the utilization of apprenticeship as a form of on-the-job training, when such training is cost-effective in developing skills needed to perform public services. State and local public agencies shall make a diligent effort to establish apprenticeship programs for apprenticeable occupations in their respective work forces. In furtherance of this policy, public agencies shall take into consideration (a) the extent to which a continuous supply of trained personnel is readily available to public agencies to meet their skill requirements in the various occupations which are determined to be apprenticeable, and (b) the application of established programs in the private sector, where appropriate. Public sector apprenticeship programs should be fully compatible with affirmative action goals for the participation of minorities and women in apprenticeship programs.

(Added by Stats. 1976, Ch. 1179.)

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Sec. 3076. The function of the joint apprenticeship committee shall be to work in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, working conditions for apprentices, the number of apprentices which shall be employed in the trade under apprentice agreements under this chapter, in accordance with labor standards set up by the California Apprenticeship Council except as specific written authority is delegated to the joint apprenticeship committee by the parent bodies they represent; and to aid in the adjustment of apprenticeship disputes as they affect labor standards. The joint apprenticeship committee shall establish selection procedures which specify minimum requirements for formal education or equivalency, physical examination, if any, subject matter of written tests and oral interviews, and any other criteria pertinent to the selection process; shall specify the relative weights of all factors which determine selection to an apprenticeship program; shall submit in writing to the Administrator of Apprenticeship an official statement of each selection procedure including filing date and location of the joint apprenticeship committee; shall provide a copy of the selection procedures to each applicant; shall provide in writing to each applicant not selected an official explanation setting forth the reason or reasons for the nonselection, copies of which explanation shall be retained as a public record in the files of the joint apprenticeship committee for a period of three years; and shall implement affirmative action programs for minorities and women in accordance with the rules, regulations, and guidelines of the California Apprenticeship Council.

(Amended by Stats. 1976, Ch. 1179.)

Sec. 3076.5. A local joint apprenticeship committee may provide in its selection procedures for an additional 10 points credit in the selection of veteran applicants for apprenticeship.

"Veteran," as used in this section, means a veteran who has served in the armed forces of this country for at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose services therein did not exempt him from the operation of the Selective Training and Service Act of 1940 (54 Stat. 885).

(Added by Stats. 1974, Ch. 618, Effective September 3, 1974.)

Sec. 3077. The term "apprentice" as used in this chap-

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ter, means a person at least 16 years of age who has entered into a written agreement, in this chapter called an "apprentice agreement," with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both. The term of apprenticeship for each apprenticeable occupation shall be approved by the administrator, and in no case shall provide for less than 2,000 hours of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through education in related and supplemental subjects.

Sec. 3077.5. No association of employers, organization of employees, or joint committee administering an apprenticeship training program under this chapter shall provide a maximum age for apprentices.

The provisions of this section shall not apply to any apprenticeship program established pursuant to any collective-bargaining contract or agreement entered into prior to the operative date of this section.

(Amended by Stats. 1976, Ch. 1179.)

3078. Every apprentice agreement entered into under this chapter shall contain:

- (a) The names of the contracting parties.
- (b) The date of birth of the apprentice.
- (c) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.
- (d) A statement showing the number of hours to be spent by the apprentice in work and the learning objectives to be accomplished through related and supplemental instruction, except as otherwise provided under Section 3074. Such exceptions shall be subject to the appeal procedures established in Sections 3081, 3082, 3083 and 3084. A minimum of 144 hours of related and supplemental instruction for each year of apprenticeship is recommended; however, related instruction may be expressed in terms of units or other objectives to be accomplished. In no case shall the combined weekly hours of work and required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age of the apprentice.
- (e) A statement setting forth a schedule of the processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process.
- (f) A statement of the graduated scale of wages to be

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paid the apprentice and whether the required schooltime shall be compensated.

(g) A statement providing for a period of probation of not more than 1,000 hours of employment and not more than 72 hours of related instruction, during which time the apprentice agreement may be terminated by the local joint apprenticeship committee at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the administrator by mutual agreement of all parties thereto, or canceled by the administrator for good and sufficient reason.

(h) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally, or which are not covered by collective-bargaining agreement, shall be submitted to the administrator for determination as provided for in Section 3081.

(i) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with approval of the administrator transfer such contract to any other employer, if the apprentice consents and such other employer agrees to assume the obligation of said apprentice agreement.

(j) Such additional terms and conditions as may be prescribed or approved by the California Apprenticeship Council, not inconsistent with the provisions of this chapter.

(k) A clause providing that there shall be no liability on the part of the other contracting party for an injury sustained by an apprentice engaged in schoolwork at a time when the employment of the apprentice has been temporarily or permanently terminated.

(Amended by Stats. 1976, Ch. 301.)

Sec. 3079. Every apprentice agreement under this chapter shall be approved by the local joint apprenticeship committee or the parties to a collective bargaining agreement or, subject to review by the council, by the administrator where there is no collective bargaining agreement or joint apprenticeship committee, a copy of which shall be filed with the California Apprenticeship Council. Every apprentice agreement shall be signed by the employer, or his agent, or by an association of employers, or an organization of employees, or a joint committee representing both, as provided in Section 3080, and by the apprentice, and if the apprentice is a minor, by the minor's parent or guardian. Where a minor enters into an apprentice agreement under this chapter for a period of training extending into his ma-

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majority, the apprenticeship agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

Sec. 3080. For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this chapter may in the discretion of the California Apprenticeship Council be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in said agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the California Apprenticeship Council to such employer or employers who shall sign a written agreement with the apprentice, and if the apprentice is a minor, with his parent or guardian, as specified in Section 3079, contracting to employ said apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the said agreement entered into between the apprentices and employer association or employee organization.

Sec. 3080.5. (Repealed by Stats. 1972, Ch. 579.)

Sec. 3081. Upon the complaint of any interested person or upon his own initiative, the administrator may investigate to determine if there has been a violation of the terms of an apprentice agreement, made under this chapter, and he may hold hearings, inquiries, and other proceedings necessary to such investigations and determinations. The parties to such agreement shall be given a fair and impartial hearing, after reasonable notice thereof. All such hearings, investigations and determinations shall be made under authority of reasonable rules and procedures prescribed by the California Apprenticeship Council.

Sec. 3082. The determination of the administrator shall be filed with the California Apprenticeship Council. If no appeal therefrom is filed with the California Apprentice-

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ship Council within 10 days after date thereof, as herein provided, such determination shall become the order of the California Apprenticeship Council. Any person aggrieved by any determination or action of the administrator may appeal therefrom to the California Apprenticeship Council, who shall hold a hearing thereon after due notice to the interested parties.

Sec. 3083. The decision of the California Apprenticeship Council as to the facts shall be conclusive if supported by the evidence and all orders and decisions of the California Apprenticeship Council shall be prima facie lawful and reasonable.

Sec. 3084. Any party to an apprentice agreement aggrieved by an order or decision of the California Apprenticeship Council may maintain appropriate proceedings in the courts on questions of law. The decision of the California Apprenticeship Council shall be conclusive if such proceeding is not filed within 30 days after the date of such order or decision.

Sec. 3084.5. In any case in which a person or persons have willfully violated any of the laws, regulations, or orders governing applicants for apprenticeship or apprentices registered under this chapter, the Division of Apprenticeship Standards may obtain in a court of competent jurisdiction, an injunction against any further violations of any such laws, regulations, or orders by such person or persons.

Sec. 3085. No person shall institute any action for the enforcement of any apprentice agreement, or damages for the breach of any apprentice agreement, made under this chapter, unless he shall first have exhausted all administrative remedies provided by this chapter.

Sec. 3086. Nothing in this chapter or in any apprentice agreement approved under this chapter shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees setting up higher apprenticeship standards.

Sec. 3087. (Repealed—1963)

Sec. 3088. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons and circumstances, shall not be affected thereby.

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Sec. 3089. This chapter shall be known and may be cited as the Shelley-Maloney Apprentice Labor Standards Act of 1939.

Sec. 3090. The Division of Apprenticeship Standards shall investigate, approve or reject applications from establishments for apprenticeship and other on-the-job training, and for that purpose, may cooperate, or contract with, and receive reimbursements from the appropriate agencies of the Federal Government.

Sec. 3091. Acceptance of an application for entrance into an apprenticeship training program shall not be predicated on the payment of any fee. Reasonable costs for expense incurred may be charged after an applicant has been accepted into the program.

Sec. 3092. A successful graduate of a training program in a particular apprenticeable occupation of a vocational education program meeting the standards of the California State Plan for Vocational Education may receive credit toward a term of apprenticeship if the program is jointly established and approved by a school district, a county superintendent of schools, a public entity conducting a regional occupational center or program, or a private post-secondary vocational school accredited by a regional or national accrediting agency recognized by the United States Office of Education and the local joint apprenticeship committee of the particular apprenticeable occupation.

(Added by Stats. 1976, Ch. 1262.)

Sec. 3093. (a) The provisions of this section will apply only when voluntarily requested by the parties to a collective bargaining agreement or by an employer, his association, or a union, or its representative where there is no collective bargaining agreement.

(b) Nothing in this section may be construed in any way so as to compel, regulate, interfere with, or duplicate the provisions of any established training programs which are operated under the terms of any collective bargaining agreements or unilaterally by any employer or bona fide labor union.

(c) Services contemplated under this section may be provided only when voluntarily requested and shall be denied when it is found that existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

(d) The California Apprenticeship Council in coopera-

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tion with the Departments of Education and Employment and the Board of Governors of the California Community Colleges may foster and promote on-the-job training programs other than apprenticeship as follows: (1) programs for journeymen in the apprenticeable occupations to keep them abreast of current techniques, methods and materials and opportunities for advancement in their industries; (2) programs in other than apprenticeable occupations for workers entering the labor market for the first time or workers entering new occupations by reason of having been displaced from former occupations by reason of economic, industrial, technological scientific changes or developments; (3) such programs shall be in accord with and agreed to by the parties to any applicable collective bargaining agreements and where appropriate will include joint employer-employee cooperation in the program.

(e) The Division of Apprenticeship Standards when requested may foster and promote voluntary on-the-job training programs in accordance with this section, and assist employers, employees and other interested persons and agencies in the development and carrying out of such programs. The Division of Apprenticeship Standards shall cooperate in these functions with the Departments of Education and Employment and the Board of Governors of the California Community Colleges and other governmental agencies. The Division of Apprenticeship Standards may cooperate with the Departments of Corrections and Youth Authority in the development of training programs for inmates and releasees of correctional institutions.

(f) The programs, where appropriate, may include related and supplemental classroom instruction offered and administered by state and local boards responsible for vocational education.

(g) The activities and services of the Division of Apprenticeship Standards in training programs under this section shall be performed without curtailing or in any way interfering with the division's activities and services in apprenticeship.

(h) The Division of Apprenticeship Standards may contract with, and receive reimbursements from, appropriate federal, state and other governmental agencies.

(i) The vocational education activities and services of the Department of Education, the Board of Governors of the California Community Colleges, and local public school districts shall not be abridged or abrogated through implementation of this section.

(j) "On-the-job training" as used in this section refers

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exclusively to training confined to the needs of a specific occupation and conducted at the jobsite for employed workers.

(k) The term journeyman, as used in this section, means a person who has either (1) completed an accredited apprenticeship in his craft, or (2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the apprenticeship standards for the craft which has workers classified as journeymen in an apprenticeable occupation.

(l) Nothing in this section shall be construed to require prior approval, ratification, or reference of any training program to the Division of Apprenticeship Standards or the Department of Industrial Relations.

Sec. 3095. Every person who willfully discriminates in any recruitment or apprenticeship program on the basis of race, religious creed, color, national origin, ancestry, or sex is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months, or both.

Sec. 3096. Complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, ancestry, or sex of such person shall be filed with the State Fair Employment Practice Commission pursuant to Part 4.5 (commencing with Section 1410) of Division 2 of this code. Whenever such a complaint is filed with the commission, the commission shall immediately send a copy of the complaint to the Administrator of Apprenticeship for investigation and action by the Division of Apprenticeship Standards pursuant to this chapter and rules and procedures prescribed by the California Apprenticeship Council. The division shall hold at least one open hearing relative to the complaint during the 21-day period following the day upon which the division receives a written copy of the complaint. If the commission finds that the complaint is not being processed in accordance with this chapter and such rules and procedures, or if the commission finds that the division has not taken action which has resolved the complaint within 30 days, the commission shall report such findings in writing to the administrator, who upon verification may cause the division to take conclusive action prior to the 61st day following the day upon which a written copy of the complaint was filed with the division. Notwithstanding any other provision of this section, the administrator shall, upon request of, and after

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written report by, the commission, relieve the division of the case and assign it to the commission, on or before the 61st day following the day upon which a written copy of the complaint was filed with the division. Upon receipt of such assignment, the commission shall immediately proceed to act upon the complaint. The commission shall hold at least one open hearing within 14 days following the day of assignment. The commission shall complete its investigations and any attempts to eliminate any unlawful practices discovered and shall issue an accusation thereon or advise the complainant that the evidence does not warrant further proceedings thereon, within 30 days after the complaint is assigned to the commission. The commission shall prepare such findings, determinations, and orders for issuance by the administrator, who shall notify the complainant and shall make available his findings within 10 days after review of such findings by the commission. Such findings, determinations and orders shall be subject to further legal processes as set forth in this chapter. In the event there is no action by the division or the commission within 101 days after the filing of a complaint with the commission, the person claiming to be aggrieved may bring a civil action under this part within one year after such 101st day.

The Division of Apprenticeship Standards shall inform the commission of the number and disposition of all complaints handled by the division pursuant to this section for inclusion in the commission's report to the Governor and the Legislature as required by this code.

(Amended by Stats. 1976, Ch. 1179.)

Sec. 3097. The Department of Industrial Relations, Division of Apprenticeship Standards, shall provide services to the Department of Human Resources Development, as requested by and contracted for, with that department. Such federal funds as are available to the Department of Industrial Relations, Division of Apprenticeship Standards, for the purpose of developing and maintaining apprenticeship and on-the-job training programs for eligible persons described in Section 10500 of the Unemployment Insurance Code, shall be directed to the support of the Department of Human Resources Development clients.

The Division of Apprenticeship Standards shall continue in the Department of Industrial Relations but shall exert maximum effort to persuade sponsors of its registered, nonfederally funded, voluntary apprenticeship and on-the-job training programs to accept to the maximum possible extent the eligible persons as described in Section 10500 of the Unemployment Insurance Code.

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The Department of Human Resources Development may request, within the limitations of the funds available to it for this purpose, assignment of at least one Division of Apprenticeship Standards consultant to each area designated by the Director of the Department of Human Resources Development. Such apprenticeship consultant services, when funded and requested, shall be provided to the area offices of the Department of Human Resources Development.

Sec. 3098. An awarding agency whose public works contract falls within the jurisdiction of Section 1777.5 shall, within five days of the award, send a copy of the award to the Division of Apprenticeship Standards. When specifically requested by a local joint apprenticeship committee, the division shall notify the local joint apprenticeship committee regarding all such awards applicable to the joint apprenticeship committee making the request. Within five days of a finding of any discrepancy regarding the ratio of apprentices to journeymen, pursuant to the certificated fixed number of apprentices to journeymen, the awarding agency shall notify the Division of Apprenticeship Standards.

(Amended by Stats. 1974, Ch. 1095.)

#### Chapter 1 of Division 2

#### APPRENTICES ON PUBLIC WORKS

The following sections of the Labor Code deal with employment of apprentices on public works only:

Sec. 1777.5. Nothing in this chapter shall prevent the employment of properly registered apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is registered.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing with Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice

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agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area or industry affected; provided, however, that the approval as established by the joint apprenticeship committee or committees shall be subject to the approval of the Administrator of Apprenticeship. The joint apprenticeship committee or committees, subsequent to approving the subject contractor or subcontractor, shall arrange for the dispatch of apprentices to the contractor or subcontractor in order to comply with this section. There shall be an affirmative duty upon the joint apprenticeship committee or committees administering the apprenticeship standards of the craft or trade in the area of the site of the public work to ensure equal employment and affirmative action in apprenticeship for women and minorities. Contractors or subcontractors shall not be required to submit individual applications for approval to local joint apprenticeship committees provided they are already covered by the local apprenticeship standards. The ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work may be the ratio stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, upon the issuance of the approval certificate, or if he has been previously approved in such craft or trade, shall employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of his contracts on an annual average of not less than one apprentice to each five journeymen, the Division of Apprenticeship Standards may grant a certificate exempting the contractor from the 1-to-5 ratio as set forth in this section. This section shall not apply to contracts of general contractors involving less than thirty thousand dollars (\$30,-

Public  
works  
Requiring  
employment  
of Apprentices

000) or 20 working days or to contracts of specialty contractors not bidding for work through a general or prime contractor, involving less than two thousand dollars (\$2,000) or fewer than five working days.

"Apprenticeable craft or trade," as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have the discretion to grant a certificate, which shall be subject to the approval of the Administrator of Apprenticeship, exempting a contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.

(d) If assignment of an apprentice to any work performed under a public works contract would create a condition which would jeopardize his life or the life, safety, or property of fellow employees or the public at large or if the specific task to which the apprentice is to be assigned is of such a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis the member contractors will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund or funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same amount or upon



the same basis and in the same manner as the other contractors do, but where the trust fund administrators are unable to accept such funds, contractors not signatory to the trust agreement shall pay a like amount to the California Apprenticeship Council. The contractor or subcontractor may add the amount of such contributions in computing his bid for the contract. The Division of Labor Standards Enforcement is authorized to enforce the payment of such contributions to the fund or funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section. Such stipulations shall fix the responsibility of compliance with this section for all apprenticeable occupations with the prime contractor.

All decisions of the joint apprenticeship committee under this section are subject to the provisions of Section 3081. (Amended by Stats. 1976, Ch. 1179.)

Sec. 1777.6. It shall be unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as registered apprentices on any public works, on the ground of the race, religious creed, color, national origin, ancestry, sex, or age, except as provided in Section 3077, of such employee.

(Amended by Stats. 1976, Ch. 1179.)

Sec. 1777.7. In the event a licensed contractor willfully fails to comply with the provisions of Section 1777.5, such licensee shall be denied the right to bid on any public works contract for a period of one year from the date the determination of noncompliance is made by the Administrator of Apprenticeship and, notwithstanding the provisions of Section 1727, upon receipt of such a determination the awarding body shall withhold from contract progress payments then due or to become due the sum of five thousand dollars (\$5,000). Any determination shall be issued after a full investigation, a fair and impartial hearing, and reasonable notice thereof in accordance with reasonable rules and procedures prescribed by the California Apprenticeship Council. Any funds withheld by the awarding body pursuant to this section shall be released to the contractor upon issuance of an order to that effect by the administrator, or upon completion of the contract.

The interpretation and enforcement of Sections 1777.5 and 1777.7 shall be in accordance with the rules and procedures of the California Apprenticeship Council.

(Added by Stats. 1976, Ch. 538.)

## Chapter 7 of Division 1 ANNUAL SURVEY OF APPRENTICES

The following sections of the Labor Code refer to a function of the Division of Labor Statistics and Research.

Sec. 151. The division (of Labor Statistics and Research) shall conduct an annual survey of the ethnic derivation of the individuals who are parties to apprentice agreements described in Section 3077 of this code. In conducting this survey, the division shall use any pertinent data which the federal government may provide to avoid duplication of effort.

The Division of Apprenticeship Standards shall cooperate in the accomplishment of the survey required by this section as the division may request. The occasion of this survey may be used to gather such additional current data as may be of benefit to apprenticeship programs.

Data gathered pursuant to this section shall not be evidence per se of an unlawful employment practice.

Nothing in this section shall be construed to authorize any state agency to require an employer to employ a specified percentage of individuals of any particular ethnic derivation irrespective of such individuals' qualifications for employment.

Sec. 153. Except as provided in Section 151 no use shall be made in the reports of the division of the names of persons supplying the information required under this code. Any agent or employee of the division who violates this section is guilty of a misdemeanor.